IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.7162 OF 2002

Dated: January 24, 2007

Between:

M. Charumathi, W/o. M.N.v.S. Narayan Murthy,
Aged 51 years, MM-2 Officer, Head Office,
Bank of India, Inspection & Audit, CBD, Belapur,
Mumbai.

... Petitioner

And

Bank of India, represented by its Chairman and
Managing Director, Head office, 14th Floor, Express
Towers, Nariman Point, Mumbai 400 021, and others.

... Respondents

Order:

This Writ Petition has been filed seeking mandamus to declare the action of the respondents in initiating proceedings for verifying petitioner's caste, particularly, when the matter relating thereto has been closed in 1983 as illegal and arbitrary.

2. Petitioner, who was initially appointed in the first

respondent, Bank of India, as a Clerk on 16-07-1974, against the post reserved for Scheduled Tribe category, was later promoted to officer's grade on
15-11-1978. She secured appointment in the quota reserved for Scheduled Tribes, basing on the certificate dated 19-08-1992 issued to her by the Tahsildar, Tenali. While things stood thus, show cause notice dated 25-07-1979 was issued to the petitioner stating that she belongs to 'Jakkula' community, which is neither a Scheduled Caste nor a Scheduled Tribe and she was asked to show cause as to why she should not be reverted to clerical cadre. The case of the petitioner is that she submitted representation dated 02-08-1979 to the respondent-bank. Thereafter, proceedings dated 17-03-1983 were issued to regularize the promotion of the petitioner to officer's cadre with effect from
15-11-1978. When the caste certificate of the petitioner came under scrutiny before the District Magistrate, Guntur, the Chief Manager, Inspection & Audit Department, Bank of India, issued notice dated
14-02-2002 to the petitioner asking her to produce the original caste certificate issued to her. At that stage, petitioner came up with this Writ Petition.

3. The only ground on which this Writ Petition has been filed is that as much as respondents have closed the issue with regard the caste status of the petitioner in the year 1983, at this stage, respondents cannot insist her to produce the original caste certificate.

4. Learned counsel for the petitioner submits that petitioner is not in a position to produce the original caste certificate, as the same has been lost.

5. It is not in dispute that petitioner was appointed under the quota reserved for Scheduled Tribes as has been claimed by her. When she was promoted in the year 1978, respondents declined to consider her case in the reserved category. When petitioner submitted representation dated 02-08-1979, respondents issued proceedings dated 17-03-1983 regularizing her promotion to officer's cadre with effect from 15-11-1978. In the year 2002, when the matter came under scrutiny by the District Magistrate, Guntur, he requisitioned the respondent-bank of the original certificate produced by the petitioner, on the basis of which she secured appointment in the respondent-bank in the quota reserved for Scheduled Tribes. As much as the petitioner had only submitted a copy of the caste certificate at the time of her appointment, respondent-bank has issued notice dated 14-02-2002 asking her to produce the original caste certificate.

6. When the caste status of an individual is to be scrutinized by the competent authority under the provisions of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993, it is always open for the employer to issue instructions to the employee to produce his/her original caste certificate on the basis of which he/she claimed reservation and appointed. In the case on hand,

petitioner claims that she lost the original caste certificate. If that is the case, she could have represented to the authorities concerned, for necessary steps being taken, but the same is not a ground to issue directions by way of Mandamus, at this stage.

7. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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JUSTICE R. SUBHASH REDDY.

January 29, 2007
MRR